

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SYLVIA SANTOS,

Plaintiff,

**6:19-cv-410
(GLS/ATB)**

v.

SHIEKH SHOES, LLC et al.,

Defendants.

SUMMARY ORDER

Pending is plaintiff Sylvia Santos' motion for default judgment. (Dkt. No. 15.) For the reasons that follow, the motion is granted in part and denied in part.

On October 3, 2019, the court, among other things, permitted Santos to respond to a letter submitted by defendant Shiekh Shoes, LLC's founder and CEO Shiekh Ellahi. (Dkt. No. 19.) Santos has filed no response to controvert the facts asserted by Ellahi, which includes an explanation that one of the three websites in question (www.shiekhshoes.com) has been deactivated and that another, active website (www.Shiekh.com) is screen-reader software compatible and includes a web accessibility statement/policy. (Dkt. No. 18 at 1.) According to Ellahi's unopposed

allegations, the other two websites (www.tiltedsole.com and www.FBRKClothing.com) are managed by a non-party and “contain comprehensive web accessibility statements/policies, along with [the non-party]’s Web Accessibility Enabler application (screen reader) which [the non-party] purports complies with WCAG 2.0.” (*Id.* at 2.) Ellahi also asserted that Santos’ counsel “was only interested in how much money [Ellahi] was willing to pay him ‘for the case to go away.’” (*Id.* at 1.)

In light of Ellahi’s unchallenged explanations, the court will not impose the relief as requested by Santos, which is substantially overbroad and unwarranted. (Dkt. No. 15, Attach. 2.) The only appropriate relief in light of Ellahi’s letter and Santos’ failure to controvert same is a simple declaration that Shiekh Shoes website (www.shiekhshoes.com) was, at the time of commencement, in violation of the Americans with Disabilities Act (ADA).¹ Permanent injunctive relief is not warranted here. *See Entergy Nuclear Vermont Yankee, LLC v. Shumlin*, 733 F.3d 393, 422-23 (2d Cir. 2013) (citing *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139 (2010)).

Accordingly, it is hereby

¹ See 42 U.S.C. §§ 12101-12213.

ORDERED that Santos' motion for default judgment (Dkt. No. 15) is **GRANTED IN PART** and **DENIED IN PART** as follows:

GRANTED to the extent that it seeks a declaration that Shiekh Shoes, LLC's website, www.shiekhshoes.com, was in violation of the ADA at the time this action was commenced; and

DENIED in all other respects; and it is further

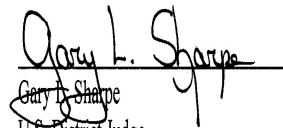
ORDERED that it is **DECLARED** that Shiekh Shoes, LLC's website, www.shiekhshoes.com, was in violation of the ADA at the time this action was commenced; and it is further

ORDERED that the Clerk shall enter judgment consistent with this Summary Order; and it is further

ORDERED that the Clerk provide a copy of this Summary Order to the parties.

IT IS SO ORDERED.

October 31, 2019
Albany, New York


Gary L. Sharpe
U.S. District Judge